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Filing date: **11/30/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189906
Party	Defendant Metal Mulisha, LLC
Correspondence Address	Mark C. Schollaert TrademarkSmart 4747 Panorama Drive San Diego, CA 92116 UNITED STATES mark@trademarksmart.net
Submission	Other Motions/Papers
Filer's Name	Mark C. Schollaert
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Date	11/30/2009
Attachments	Maidenform Stip.pdf (3 pages)(75906 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAIDENFORM INC.,	-----X	
	:	
Opposers,	:	
	:	
- against -	:	Opposition No. 91189906
	:	
METAL MULISHA LLC,	:	
	:	
	:	
Applicant.	:	
	-----X	

**MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION AMENDMENT; (b)
TO SUSPEND OPPOSITION; and (c) FOR
CONDITIONAL DISMISSAL OF OPPOSITION WITH PREJUDICE**

Opposer Maidenform Inc. (“Opposer”) and applicant Metal Mulisha, LLC (“Applicant”) hereby move to amend by post-publication amendment the application that is the subject of this opposition proceeding; to suspend this opposition proceeding pending the Board’s review of the amendment; and to dismiss the opposition proceeding without prejudice conditioned upon acceptance of the amendment.

Applicant requests that the identification of International Class 25 goods in Application Serial No. 77/385,962 be amended to delete the reference to “underwear,” so that the revised identification of goods reads as follows: “clothing, namely, shirts, blouses, tank tops, jackets, pants, shorts, belts, swim wear, sweat suits, sweaters, suits, hats, gloves, socks and foot wear.” The International Class 18 goods and International Class 41 services in the subject application remain unchanged.

Since this proposed amendment is in the nature of a limitation, no republication should be required, and it therefore should be permissible.

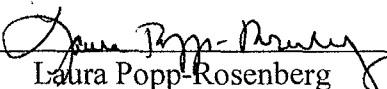
The parties also jointly move to suspend this opposition proceeding pending review of the proposed amendment. The parties further consent that upon the approval and entry of the proposed amendment, this opposition proceeding be dismissed without prejudice.


Dated: NOVEMBER 30 2009

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

TRADEMARKSMART

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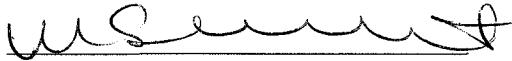
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Attorneys for Opposer Maidenform Inc.

Attorneys for Applicant Metal Mulisha, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion on Consent (a) to permit post-publication amendment; (b) to suspend Opposition; and (c) for conditional dismissal of Opposition with Prejudice regarding Opposition No. 91189906 was mailed by first-class mail, postage prepaid, to Laura Popp-Rosenberg, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017 this 30th day of November, 2009.

A handwritten signature in black ink, appearing to read 'M Schollaert', written over a horizontal line.

Mark C. Schollaert
Attorney for Applicant
Metal Mulisha, LLC